

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RITA SCHMIDT LODUCA,	:	
DONNA FREEMAN, and	:	CIVIL ACTION
LYNN WESLEY, Individually	:	
On behalf of all others	:	
Similarly situated,	:	NO. 21-CV-0954
	:	
Plaintiffs	:	
	:	
vs.	:	
	:	
WELLPET LLC, et. al.,	:	
	:	
Defendants	:	

O R D E R

AND NOW, this 13th day of July, 2021, upon consideration of the Motion of Defendant WellPet LLC to Dismiss Plaintiffs' Complaint (Doc. No. 23), Plaintiffs' Response in Opposition thereto and Defendant's Response in Support, it is hereby ORDERED that the Motion is GRANTED IN PART and DENIED IN PART as follows:

1. Defendant's Motion to Dismiss Counts III, IV and VI is DENIED.

2. Defendant's Motion to Dismiss Count I is DENIED, except with regard to Plaintiffs' Unfair Trade Practices and Consumer Protection Law claim under 73 P.S. § 201-4(ii), which is DISMISSED with prejudice.

3. Defendant's Motion to Dismiss Count II is GRANTED and Count II is DISMISSED with prejudice.

4. Defendant's Motion to Dismiss Count V is GRANTED with leave to Plaintiffs' to file an Amended Complaint within twenty-one (21) days of the entry date of this Order.

BY THE COURT:

s/ J. Curtis Joyner

J. CURTIS JOYNER, J.